

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-215259

DATE: August 17, 1984

MATTER OF: Ruud Lighting, Inc.

DIGEST:

"Equal" bid in response to brand name or equal invitation for bids was properly rejected as nonresponsive where descriptive material failed to establish that offered item met all salient characteristics of brand name item. A blanket statement of compliance with all salient characteristics included with bid is insufficient to permit determination of responsiveness.

Ruud Lighting, Inc. (Ruud), protests the award of a contract to Graybar Electric Company (Graybar) under invitation for bids (IFB) No. M00681-84-B-0024, issued by the United States Marine Corps, on a brand name or equal basis for sodium light fixtures. Ruud's bid was rejected as nonresponsive because the Corps was unable to determine that the product offered by Ruud in response to the brand name or equal purchase description met either the ballast requirement that the article be listed for 65-degree centigrade (149 degrees Fahrenheit) ambient temperature operation or the maximum voltage rise requirement. Ruud argues its bid provided sufficient information to show that its product met the IFB requirements and, thus, since its bid was the lowest responsive bid, it should have been awarded the contract.

The IFB called for bids to provide 822 light fixtures described as "Lumark's steeler series catalog Number HPSS-SA18W-250-SCF, or equal," and listed a number of salient characteristics that any product offered as equal would have to meet. The IFB warned that any bidder offering other than the specified brand name product must submit descriptive material to enable the contracting activity to determine whether the product offered met the listed salient characteristics. Among the salient characteristics listed in the IFB were requirements for high-powered factor ballast capabilities, housing design, reflector design, distribution design, weight and a 3-foot safety chain.

The contracting officer concluded that Ruud's descriptive data failed to show the product complied with the weight and safety chain requirements. In addition, the

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contracting officer found that the high-powered factor ballast offered in Ruud's product, although multitapped for the required number of volts, did not show that it could meet the ambient temperature requirement of 65 degrees centigrade. The Corps points out that Ruud took exception to the requirement for a heavy-duty steel housing by offering an aluminum housing fixture which generally is designed for use in a 55-degree centigrade ambient temperature environment. Ruud also offered a 16-1/2-inch wide deflector, which did not meet the 17-1/2-inch width requirement and, in any event, failed to demonstrate that the smaller width could meet the requirement for a maximum lamp voltage rise of 4.2 volts in any distribution. As a result of these deficiencies and the lack of other information in Ruud's bid, the Corps reports it was unable to determine the equality of the item offered and rejected the bid as nonresponsive. Award was made to Graybar as the low responsive bidder.

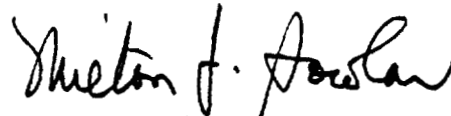
Ruud claims it showed it satisfied the salient characteristics for the ballast requirement of volts and temperature by acknowledging an amendment which contained this requirement and by agreeing in its bid to meet all other stated salient characteristics.

To be responsive to a brand name or equal solicitation, a bid offering an equal product must contain sufficient descriptive literature to permit the contracting activity to assess whether the equal product possesses each salient characteristic specified in the solicitation. Clearr Corp., B-208929, June 21, 1983, 83-2 C.P.D. ¶ 8. An offer must meet all the salient characteristics to be responsive. See Squibb-Vitatek, Inc., B-205306, July 27, 1982, 82-2 C.P.D. ¶ 81. It is not enough that the bidder believes his product is equal or makes a blanket statement that all salient characteristics are met. Rather, we have held that the responsiveness of an equal bid depends on the completeness of the information submitted or reasonably available. Schlegel Associates, Inc., B-213739, June 28, 1984, 84-2 C.P.D. ¶ 688.

Here, the descriptive literature furnished with Ruud's bid does not specify that the model offered meets the ballast and other requirements. Ruud does not dispute this, but instead argues that its statement in the cover letter to the bid that its lighting fixture meets or exceeds the specifications was sufficient to show its intended compliance with all salient characteristics. In

this connection, Ruud specifically asserts that its blanket statement of compliance is acceptable evidence that its model meets the 65-degree centigrade ambient operation and voltage rise specifications under the ballast requirement. However, as we stated above, a blanket offer to comply with the specifications does not cure a stated deviation. See IFR, Inc., B-203391.4, Apr. 1, 1982, 82-1 C.P.D. ¶ 292. Thus, we agree that Ruud's bid was properly rejected as nonresponsive because it failed to include sufficient descriptive material to establish that the salient characteristics would be met.

We deny the protest.



Acting Comptroller General
of the United States